

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

9:00 AM

2:00-000000

Chapter

- #1.00** Hearings in Judge Bason's courtroom (1545) are now simultaneously (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, and (3) via ZoomGov telephone.
- You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 161 498 8368

Password: 121489

Meeting URL: <https://cacb.zoomgov.com/j/1614988368>

Telephone: +1 669-254-5252 or +1 646-828-7666 or 833-568-8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

Chapter 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so); (c) when you make your argument, please pause from time to time so that, for example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name or uses the wrong pronoun.

Docket 0

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

9:00 AM

CONT...

Chapter

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:19-24769 Jeannette M. Sullivan

Chapter 13

#1.00 Hrg re: Motion for relief from stay [RP]

AJAX MORTGAGE LOAN TRUST 2021-G
vs
DEBTOR

Docket 60

Tentative Ruling:

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a)

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

CONT... **Jeannette M. Sullivan**
(3) for lack of sufficient cause shown.

Chapter 13

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Jeannette M. Sullivan

Represented By
Michael E Plotkin

Movant(s):

Ajax Mortgage Loan Trust 2021-G,

Represented By
Joshua L Scheer
Reilly D Wilkinson

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:20-18427 Bedros Missak Yazijian

Chapter 13

#2.00 Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 114

***** VACATED *** REASON: APO**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bedros Missak Yazijian

Represented By
Roland H Kedikian

Movant(s):

THE BANK OF NEW YORK

Represented By
Mary D Vitartas
Dane W Exnowski

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:22-10614 Rene A. Mejia

Chapter 13

#3.00 Hrg re: Motion for relief from stay [RP]

SPECIALIZED LOAN SERVICING LLC
vs
DEBTOR

Docket 42

***** VACATED *** REASON: APO**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rene A. Mejia

Represented By
Matthew D. Resnik

Movant(s):

Specialized Loan Servicing LLC

Represented By
Austin P Nagel
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:22-11597 Consuelo Connie Cruz

Chapter 13

#4.00 Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO
vs
DEBTOR

Docket 54

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 56).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Consuelo Connie Cruz

Represented By
Daniel King

Movant(s):

Deutsche Bank National Trust

Represented By
Kirsten Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:22-11953 Maria De Jesus Garibay

Chapter 13

#5.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 44

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 48).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Maria De Jesus Garibay

Represented By
Cynthia Grande

Movant(s):

U.S. Bank National Association, not

Represented By
Erica T Loftis Pacheco
Marisol A Nagata
Kelli M Brown

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1545

10:00 AM

CONT... Maria De Jesus Garibay

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:22-14255 George Mata and Richard Edwin Thorpe

Chapter 13

#6.00 Hrg re: Motion for relief from stay [RP]

NATIONSTAR MORTGAGE, LLC
vs
DEBTOR

Docket 43

***** VACATED *** REASON: APO**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Mata

Represented By
Peter M Lively

Joint Debtor(s):

Richard Edwin Thorpe

Represented By
Peter M Lively

Movant(s):

Nationstar Mortgage LLC

Represented By
John C Steele
Cassandra J Richey

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-10146 Vivian Louise Tann

Chapter 13

#7.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 52

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 58).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Vivian Louise Tann

Represented By
Andrew Moher

Movant(s):

U.S. Bank National Association, as

Represented By
Theron S Covey
Dane W Exnowski
Fanny Zhang Wan

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-12365 Monique Tantoco Soto

Chapter 13

#8.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 32

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 35).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Monique Tantoco Soto

Represented By
Onyinye N Anyama

Movant(s):

U.S. Bank National Association, not

Represented By
Kelli M Brown

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-15325 Ricardo Moreno

Chapter 13

#9.00 Hrg re: Motion for relief from stay [UD]

LA PARK LABREA A., LLC
vs
DEBTOR

Docket 8

Tentative Ruling:

Grant in part and deny in part as set forth below, subject to any opposition orally at the hearing. Appearances required.

Shortened time: The motion papers were served on shortened time, pursuant to the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) but, contrary to those Procedures, Movant did not state when oppositions are due, instead of stating that oppositions are due five days before the hearing. See Motion (dkt. 8), p. 2.

The Court presumes that, if there are is no opposition at the hearing, counsel for the Movant will not seek to charge the debtor or the estate any fees for appearing at this hearing because such appearance would have been unnecessary if the correct procedures had been followed (if counsel intends to do otherwise, that must be raised and argued at the hearing).

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the

**United States Bankruptcy Court
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10:00 AM

CONT... **Ricardo Moreno**
posted Tentative Rulings.

Chapter 13

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Relief notwithstanding future bankruptcy cases

Deny, without prejudice to any other types of relief granted herein (or previously granted).

The motion requests "*in rem*" relief (*i.e.*, relief applicable notwithstanding *future* bankruptcy cases (under 11 U.S.C. 362(d)(4) and/or *In re Vazquez*, 580 B.R. 526 (Bankr. C.D. Cal. 2017), and/or *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31)). The tentative ruling is to deny that request for lack of sufficient cause shown: there is no evidence of the type typically required for such relief, such as multiple bankruptcy filings or unauthorized transfers combined with a scheme to delay, hinder or defraud creditors.

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a) (3).

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Ricardo Moreno

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

CONT... Ricardo Moreno

Chapter 13

Movant(s):

LA Park La Brea A, LLC

Represented By
Linda T Hollenbeck

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-13307 Seyed Mustafa Maghloubi

Chapter 7

#10.00 Hrg re: Motion for relief from stay [NA]

MICHAEL R. TOTARO
vs
DEBTOR

Docket 17

Tentative Ruling:

Grant in part and deny in part as set forth below, subject to any opposition orally at the hearing. Appearances required.

Shortened time: The motion papers were served on regular time, but Movant's counsel incorrectly checked the box stating that this motion is being heard on shortened time and that oppositions were due 7/5/23 (16 days before the motion was even filed). See Motion (dkt. 17), p. 2. In view of the likely confusion that may have caused, this Court will accept oppositions orally at the hearing.

This Court presumes that, if there are is no opposition at the hearing, counsel for the Movant will not seek to charge the debtor or the estate any fees for appearing at this hearing because such appearance would have been unnecessary if the correct procedures had been followed (if counsel intends to do otherwise, that must be raised and argued at the hearing).

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

CONT... **Syed Mustafa Maghloubi**
posted Tentative Rulings.

Chapter 7

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

The automatic stay does apply

Movant argues that the automatic stay does not apply to his adversary proceeding because it is pending before Judge Bason in the same bankruptcy court. Motion (dkt. 17), pp. 3-4. But Movant is incorrect. The authority he cites applies to adversary proceedings commenced against a debtor in that debtor's own bankruptcy case, not to adversary proceedings commenced in a different bankruptcy case against an individual who is also in bankruptcy. Here, Movant seeks relief from the automatic stay arising in Debtor's bankruptcy case to continue litigating an adversary proceeding filed against Debtor in Movant's bankruptcy case, so the tentative ruling is that the automatic stay applies under 11 U.S.C. 362(a)(1) & (6).

(1) Limited relief. Modify and condition the automatic stay under 11 U.S.C. 362(d)(1) such that the movant may proceed in the other bankruptcy forum to final judgment (including any appeals) in accordance with applicable bankruptcy law, subject to the following limitations (Judge Bason's standard limitations).

(a) No enforcement against property of the bankruptcy estate. The stay remains in effect with respect to enforcement of any judgment against property of the debtor's bankruptcy estate - any such property shall be distributed when and how provided by the Bankruptcy Code. Nevertheless, the movant is permitted to enforce its final judgment by (i) collecting upon any available insurance in accordance with applicable nonbankruptcy law or (ii) proceeding against the debtor as to any property that is not property of this bankruptcy estate. See, e.g., 11 U.S.C. 362(b)(2)(B) & 541(b)(7) (collection of domestic support obligations from ERISA qualified retirement plans).

(b) Claim allowance, priority, and discharge issues. Any claims arising from the other bankruptcy litigation are subject to this Bankruptcy Court's jurisdiction regarding claim allowance and priority, and the existence and scope of any bankruptcy discharge.

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

CONT... Seyed Mustafa Maghloubi

Chapter 7

(c) No relief in *other* bankruptcy cases. To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Additional analysis:

The Bankruptcy Court "shall grant relief from the stay" upon a showing of "cause." 11 U.S.C. 362(d)(1). Such relief need not take the form of a complete termination of the automatic stay, but instead may include "modifying or conditioning such stay." *Id.*

"Cause" is determined on a case-by-case basis." *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir.1990). In determining whether "cause" exists to grant relief from the automatic stay to allow a movant to pursue litigation in a non-bankruptcy forum, courts in the Ninth Circuit have examined the factors set forth in *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Merriman*, 616 B.R. 381, 389 & n. 5 (9th Cir. BAP 2020); *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004). Those factors are: (1) Whether the relief will result in a partial or complete resolution of the issues; (2) The lack of any connection with or interference with the bankruptcy case; (3) Whether the foreign proceeding involves the debtor as a fiduciary; (4) Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) Whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question; (7) Whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties; (8) Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c); (9) Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f); (10) The interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) Whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) The impact of the stay on the parties and the "balance of hurt."

**United States Bankruptcy Court
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CONT... Seyed Mustafa Maghloubi

Chapter 7

Plumberex, 311 B.R. at 559. "[W]hile the *Curtis* factors are widely used to determine the existence of 'cause,' not all of the factors are relevant in every case, nor is a court required to give each factor equal weight." *In re Landmark Fence Co., Inc.*, 2011 WL 6826253 at *4 (C.D. Cal. Dec. 9, 2011). *Accord Merriman*, 616 B.R. 381, 389.

Based on the present record, the tentative ruling is that these factors weigh in favor of granting relief as set forth above. Most significantly:

As to the first *Curtis* factor (would relief result in partial or complete resolution of the issues?), granting relief would result in complete resolution of the issues and the issues involve matters of bankruptcy law that can be resolved expeditiously by this bankruptcy court.

As to the second *Curtis* factor (connection with or interference with the bankruptcy case) and the seventh *Curtis* factor (prejudice to other creditors/interested parties) the tentative ruling is that proceeding to final judgment will not interfere with the Trustee's administration of this bankruptcy case and will be most expeditious in bringing this litigation to a conclusion because the other bankruptcy action involves only debtor parties.

As to the fourth *Curtis* factor (whether a specialized tribunal has been established to hear the action) and the eleventh *Curtis* factor (whether the proceedings have progressed to the point where the parties are prepared for trial), the tentative ruling is that this bankruptcy court is capable of determining the claims asserted in the other bankruptcy action and as of the preparation of this tentative ruling that matter has been stayed to allow time for the parties to participate in mediation.

As to the tenth *Curtis* factor (interest of judicial economy) and the twelfth *Curtis* factor (the impact of the stay on the parties and the "balance of hurt"), the tentative ruling is that this matter is capable of determination by this bankruptcy court, and Debtor has not responded with any argument to convince this Court that there is any reason not to lift the stay at this time.

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Co-debtor stay

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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10:00 AM

CONT...

Seyed Mustafa Maghloubi

Chapter 7

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Seyed Mustafa Maghloubi

Pro Se

Movant(s):

Michael R Totaro

Represented By
Michael R Totaro

Michael R Totaro

Represented By
Andy C Warshaw

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-13658 Evaristo Lucio Lozano Valverde

Chapter 7

#11.00 Hrg re: Motion for relief from stay [PP]

PNC BANK NATIONAL ASSOC
vs
DEBTOR

Docket 13

Tentative Ruling:

Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a)

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
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Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

CONT... **Evaristo Lucio Lozano Valverde**
(3).

Chapter 7

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Evaristo Lucio Lozano Valverde

Represented By
Lauren M Foley

Movant(s):

PNC Bank National Association

Represented By
Jennifer C Wong

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-14313 IVCINYA COMPANY LLC

Chapter 11

#12.00 Hrg re: Motion for relief from stay [PP]

CROSSROADS EQUIPMENT LEASE AND
FINANCE, LLC
vs
DEBTOR

Docket 28

***** VACATED *** REASON: APO**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

IVCINYA COMPANY LLC

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

CROSSROADS EQUIPMENT

Represented By
Raffi Khatchadourian

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, September 5, 2023

Hearing Room 1545

10:00 AM

2:23-15042 Tanisha S. Harrington

Chapter 13

#13.00 Hrg re: Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the Court
Deems Appropriate

Docket 15

Tentative Ruling:

Deny for the reasons set forth below. Appearances required.

Order: Unless otherwise ordered, this Court will prepare the order after the hearing.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

This Court has reviewed the motion papers (dkt. 15) and the Opposition of Barclays Mortgage Trust (dkt. 19, "Creditor"). As of the preparation of this tentative ruling, no reply is on file.

The tentative ruling is that (1) Debtor seeks to continue the automatic stay of 11 U.S.C. 362(a) as to all property; (2) the burden is on Debtor to show good faith in filing the current bankruptcy petition; (3) there is a presumption that Debtor did not file this case in good faith, which can only be rebutted by clear and convincing evidence; and (4) Debtor has not adequately rebutted that presumption.

Analysis:

(1) The automatic stay will terminate 30 days after the petition date unless this Court enters an order extending it

On 10/1/19, Debtor filed a voluntary chapter 13 petition (2:19-bk-21613-NB) (the "Prior Case"). The Prior Case was dismissed on 8/1/23 following this Court's entry of an order (*Id.*, dkt. 87) granting the Chapter 13 Trustee's Motion to Dismiss on the grounds that Debtor failed to make plan

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10:00 AM

CONT... Tanisha S. Harrington

Chapter 13

payments. *Id.*, dkt. 84.

Six days later, on 8/7/23, Debtor filed this chapter 13 case. Therefore, the automatic stay will terminate on 9/6/23 if this Court does not extend the stay, pursuant to 11 U.S.C. 362(c)(3):

(3) if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) –

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

(B) on motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed. [Emphasis added.]

The following principles guide this Court's application of 11 U.S.C. 362(c) to this case. First, there is authority that if the automatic stay is not continued beyond 30 days then it terminates in all aspects, *i.e.*, not only as to the debtor individually but as to all parties and the bankruptcy estate. *In re Reswick*, 446 B.R. 362 (9th Cir. BAP 2011); *In re Hernandez*, case no. 2:11-bk-53730-NB, docket #40 (Memorandum Decision).

Second, there is authority that "good faith" is a factual inquiry, although to the extent the statute defines what is good faith the interpretation of the statute is a legal question. *See generally, e.g., In re Ellsworth*, 455 B.R. 904, 914, 917 (9th Cir. BAP 2011) (holding that good and bad faith in other contexts are factual inquiries). *Cf. U.S. Bank v. Village at Lakeridge, LLC*, 138 S.Ct. 960 (2018) (analyzing what issues are factual and what are legal).

Third, the factual nature of "good faith" does not necessarily mean that

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CONT... Tanisha S. Harrington

Chapter 13

live testimony is required. See, e.g., *In re Nicholson*, 435 B.R. 622, 635-36 (9th Cir. BAP 2010). In fact, the tentative ruling is that, just like hearings on whether to grant relief from the automatic stay, any hearing on whether to continue the automatic stay is intended to be an expedited, summary proceeding, not a full blown trial. See 11 U.S.C. 362(c)(3)(B) (30 day limit to conclude hearing), and compare 11 U.S.C. 362(d)&(e) (30 day limit to conclude hearing) and *In re Johnson*, 756 F.2d 738, 740 (9th Cir. 1995) (summary nature of proceedings on whether to grant relief from stay); *In re Veal*, 450 B.R. 897, 914-15 (9th Cir. BAP 2011) (same, requiring only "colorable" basis for standing to seek relief from stay).

Fourth, the "good faith" inquiry is narrowly focused on the filing of the petition. For example, debtors sometimes argue that because they have a genuine desire to retain a roof over their and their family's heads they are acting in good faith, but the question is not the genuineness of that motive. The question is whether the debtor had a sufficient basis to believe that the current bankruptcy case could be *properly* prosecuted notwithstanding the dismissal of one or more earlier bankruptcy cases. In a reorganization case, such as this one, the tentative ruling is that the test of good faith is analogous to a standard test of whether relief from the automatic stay is appropriate: when the petition was filed, did the debtor have a good faith basis to believe that there would be "a reasonable possibility of a successful reorganization within a reasonable time." *United Savings Assn. v. Timbers of Inwood Forest*, 484 U.S. 365, 376 (1988) (interpreting 11 U.S.C. 362(d)(2)) (citation and internal quotation marks omitted), and see 11 U.S.C. 362(d)(3)(A) (similar test in single asset real estate cases).

Fifth, a finding of good faith for the preliminary purpose of whether to continue the automatic stay under 11 U.S.C. 362(c)(3) is not necessarily determinative of good faith for any other purposes. See, e.g., 11 U.S.C. 1129(a)(3), and *In re Abdelgadir*, 455 B.R. 896, 900 (9th Cir. BAP 2011).

(2) The tentative ruling is that this case *presumptively* was not filed in good faith, and that presumption is only rebuttable by *clear and convincing* evidence

The statute provides, in relevant part:

(C) ... a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary) – as to all creditors, if –

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CONT... Tanisha S. Harrington

Chapter 13

...
(III) there has not been [x] a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or [y] any other reason to conclude that the later case will be concluded –

...
(bb) if a case under chapter 11 or 13, with a confirmed plan that will be fully performed. [11 U.S.C. 362(c)(3)(C) (emphasis added)]

The tentative ruling is that the burden is on Debtor to show, by "clear and convincing" evidence, that she has filed this latest bankruptcy petition in good faith (whether she has done so is the topic of part "(3)" of this tentative ruling - this part "(2)" only addresses the presumptions and burdens of proof).

(a) Insufficient evidence of a substantial change in circumstances, or other reason to believe that this case will conclude in a confirmed

The only evidence filed in support of the motion is (x) a declaration from Debtor (dkt. 15, pdf p. 10) stating that her income has increased since her last bankruptcy filing and attaching copies of Bankruptcy Schedules I & J from the Prior Case and this current bankruptcy case, and (y) a contribution declaration from Debtor's mother, Sheldra Strange, stating that she will contribute \$900/month.

What is missing from Debtor's declaration is any evidence of changed circumstances *since the dismissal of the Prior Case*. As Creditor highlights, this is Debtor's fifth bankruptcy filing since 2011, Debtor was apparently unable to perform under her confirmed plan in the Prior Case despite Debtor's increase in income since that case was filed and, meanwhile, Creditor's arrears continued to increase since Debtor filed the Prior Case. Debtor does not address whether her mother was contributing \$900/month (or some other amount) at the end of her Prior Case or how that additional income would allow her to cure Creditor's arrears and confirm a feasible plan in this bankruptcy case.

(3) Whether Debtor has rebutted the presumption of lack of good faith by "clear and convincing" evidence

The tentative ruling is that, in view of the deficiencies noted above,

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Chapter 13

Debtor has not met her burden to show that when she filed this case she had a sufficient basis for a good faith belief that this case is likely to result in a "confirmed plan that will be fully performed" within the meaning 11 U.S.C. 362(c)(3)(C)(i)(III)(b), nor has she met her burden to rebut the presumptions of a lack of good faith.

(4) Conclusion

The tentative ruling is that there is a presumption that Debtor has not filed this case in good faith because she has not presented enough evidence of a change in income or a reduction in claims to believe in good faith, as of the petition date, that this case has a reasonable possibility of resulting in a confirmed and fully performed plan. The tentative ruling is also that the burden is on Debtor to rebut this presumption by clear and convincing evidence and Debtor has not met that burden. For all of these reasons, the tentative ruling is to deny Debtor's motion as to all creditors.

Party Information

Debtor(s):

Tanisha S. Harrington

Represented By
Matthew D. Resnik

Movant(s):

Tanisha S. Harrington

Represented By
Matthew D. Resnik

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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Hearing Room 1545

10:00 AM

2:22-12968 Thomas Albert Hill

Chapter 13

#14.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 7/11/23, 08/15/23

BRAVERA BANK
vs
DEBTOR

Docket 45

***** VACATED *** REASON: Continued to 10/3/23 at 10:00 a.m. pursuant
to stipulation (dkt. 58) and order thereon.**

Tentative Ruling:

Party Information

Debtor(s):

Thomas Albert Hill

Represented By
Sanaz Sarah Bereliani

Movant(s):

Bravera Bank

Represented By
Stefanie T Sharp

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 5, 2023

Hearing Room 1545

11:00 AM

2:23-12932 Andrew S Kim

Chapter 7

#1.00 Hrg re: Motion of United States Trustee to dismiss
bankruptcy case pursuant to 11 U.S.C. sections
707(a) & contingent motion to extend discharge
deadline pursuant to 11 U.S.C. sections 707(b)
& 727

Docket 14

Tentative Ruling:

Grant the motion and dismiss this case pursuant to 11 U.S.C. 707(a) for the reasons set forth in the motion papers and impose a 180-day refiling bar under 11 U.S.C. 109(g)(1) for willful failure to appear in proper prosecution of this case and, alternatively, under this Court's inherent authority (11 U.S.C. 105(a)).

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Party Information

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CONT... Andrew S Kim

Chapter 7

Debtor(s):

Andrew S Kim

Represented By
Young K Chang

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 5, 2023

Hearing Room 1545

11:00 AM

2:22-16217 Felix Imoisili Obamogie

Chapter 7

Adv#: 2:23-01318 Avery v. Obamogie et al

- #2.00** Status conference re: Trustee's complaint for: (1) Avoidance of fraudulent transfer; (2) Recovery of avoided transfer; (3) Imposition of a constructive trust; (4) A declaratory judgment quieting title to real property; (5) Turnover; (6) Injunctive relief; (7) Permission to sell real property in which a non-debtor asserts an interest; (8) Fraud; (9) Substantive consolidation of defendants with the debtor's estate

Docket 1

Tentative Ruling:

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has reviewed the Trustee's unilateral status report (adv. dkt. 9) and the other filed documents and records in this adversary proceeding.

(a) Status of settlement negotiations

The parties should be prepared to update this Court on the status of their settlement negotiations.

(2) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

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CONT...

Felix Imoisili Obamogie

Chapter 7

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a **deadline of 9/19/23** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 6/27/23.

Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: 11/21/23

Discovery cutoff (for *completion* of discovery): 12/5/23.

Expert(s) - deadline for reports: 12/12/23 if any expert testimony will

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11:00 AM

CONT... Felix Imoisili Obamogie

Chapter 7

be presented.

Expert(s) - discovery cutoff (if different from above): 12/19/23 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 1/2/24

Joint Status Report: 1/19/23.

Continued status conference: 1/2/24 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: TBD

Trial commencement: TBD

Party Information

Debtor(s):

Felix Imoisili Obamogie

Represented By
Harriet L. Goldfarb

Defendant(s):

Violet E. Obamogie

Pro Se

Felix Imoisili Obamogie

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Reilly D Wilkinson

Trustee(s):

Wesley H Avery (TR)

Represented By
Reilly D Wilkinson

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:23-12239 Marvin Giovanni Alvarado

Chapter 7

Adv#: 2:23-01356 Alvarado v. United States Department Of Education et al

#3.00 Status conference re: Complaint for determination
that student loan debt is dischargeable

Docket 1

***** VACATED *** REASON: Another summons issued; Reset to 10/17/23
at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marvin Giovanni Alvarado

Represented By
Lauren M Foley

Defendant(s):

United States Department Of

Represented By
Elan S Levey

Nelnet Academic Services, LLC

Pro Se

Joint Debtor(s):

Reina Marie Alvarado

Represented By
Lauren M Foley

Plaintiff(s):

Reina Marie Alvarado

Represented By
Lauren M Foley

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 5, 2023

Hearing Room 1545

11:00 AM

2:22-16660 Silva Agasyan

Chapter 7

Adv#: 2:23-01104 Agasyan v. Agasyan

#4.00 Cont'd Status Conference re: Complaint to
Determine Non-Dischargeability of Debt
fr. 5/30/23

Docket 1

***** VACATED *** REASON: Continued to 11/28/23 at 11:00 a.m. [dkt. 33]**

Tentative Ruling:

Party Information

Debtor(s):

Silva Agasyan

Represented By
Stella A Havkin

Defendant(s):

Silva Agasyan

Represented By
Lisa Rosenthal

Plaintiff(s):

Henrik Agasyan

Represented By
James A Dumas Jr
Christian T Kim

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
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Los Angeles
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Tuesday, September 5, 2023

Hearing Room 1545

11:00 AM

2:20-10484 The New School of Cooking, Inc.

Chapter 7

Adv#: 2:22-01067 Avery v. Becker

#5.00 Cont'd Status Conference re: Complaint for: (1) Avoidance and Recovery of Preferential Transfers; (2) Avoidance and Recovery of Voidable and/or Fraudulent Transfers; (3) Objection to Claim; (4) Breach of Fiduciary Duty; (5) Conversion (6) Unjust Enrichment
fr. 5/31/22, 9/6/22, 12/6/22, 1/24/23, 4/18/23, 4/25/23, 06/27/23

Docket 1

***** VACATED *** REASON: Cont'd to 10/17/23 @ 11:00 a.m. [dkt. 32]**

Tentative Ruling:

Party Information

Debtor(s):

The New School of Cooking, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

Defendant(s):

Christopher Becker

Represented By
Shirlee L Bliss

Plaintiff(s):

Wesley H. Avery

Represented By
Matthew A Lesnick
Lauren N Gans

Trustee(s):

Wesley H Avery (TR)

Represented By
Lesnick Prince & Pappas, LLP
Jeffrey L Sumpter
Debra E Cardarelli
Matthew A Lesnick
Lauren N Gans

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CONT... The New School of Cooking, Inc.

Chapter 7

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Tuesday, September 5, 2023

Hearing Room 1545

11:00 AM

2:20-10484 The New School of Cooking, Inc.

Chapter 7

Adv#: 2:22-01016 Avery v. Allen J. & Barbara C. Manzano Intervivos Trust

#6.00 Cont'd Status Conference re: Complaint for Avoidance and Recovery of Voidable and/or Fraudulent Transfers; and Objection to Claim fr. 3/29/22, 5/10/22, 5/31/22, 9/6/22, 12/6/22, 1/24/23, 4/18/23, 4/25/23, 06/27/23

Docket 1

***** VACATED *** REASON: Cont'd to 10/17/23 @ 11:00 a.m. [dkt.37]**

Tentative Ruling:

Party Information

Debtor(s):

The New School of Cooking, Inc.

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

Defendant(s):

Allen J. & Barbara C. Manzano

Represented By
Shirlee L Bliss

Plaintiff(s):

Wesley H. Avery

Represented By
Matthew A Lesnick
Lauren N Gans

Trustee(s):

Wesley H Avery (TR)

Represented By
Lesnick Prince & Pappas, LLP
Jeffrey L Sumpter
Debra E Cardarelli
Matthew A Lesnick
Lauren N Gans

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:22-15290 Ana M Ahmad

Chapter 11

#7.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 8/15/23

AJAX MORTGAGE LOAN TRUST 2021-G
VS
DEBTOR .

Docket 62

***** VACATED *** REASON: Continued to 9/19/23 at 1:00 p.m. pursuant
to Stipulation (dkt. 67) and order thereon**

Tentative Ruling:

Party Information

Debtor(s):

Ana M Ahmad

Represented By
Thomas B Ure

Movant(s):

Ajax Mortgage Loan Trust 2021-G,

Represented By
Joshua L Scheer

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Hearing Room 1545

11:00 AM

2:22-15290 Ana M Ahmad

Chapter 11

#8.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/25/22, 12/20/22, 1/3/23, 2/7/23, 3/7/23, 4/25/23,
6/27/23, 8/15/23

Docket 6

Tentative Ruling:

Tentative Ruling for 9/5/23:

Continue as set forth below. Appearances are not required on 9/5/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for relief from the automatic stay (dkt. 62, the "R/S Motion"), Stipulation to continue hearing (dkt. 67) and order thereon

This matter has been continued to 9/19/23 at 1:00 p.m.

(2) Dates/procedures. This case was filed on 9/29/22.

(a) Bar date: 1/13/23 (dkt. 23) (timely served, dkt. 27)

(b) Procedures Order: dkt. 6 (timely served, dkt. 10)

(c) Plan/Disclosure Statement: TBD.

(d) Continued status conference: 9/19/23 at 1:00 p.m., concurrent with other matters. No written status report required.

Tentative Ruling for 8/15/23:

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Tuesday, September 5, 2023

Hearing Room 1545

11:00 AM

CONT... **Ana M Ahmad**
Appearances required.

Chapter 11

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for relief from the automatic stay (dkt. 62, the "R/S Motion").
No opposition on file as of the preparation of this tentative ruling
Grant as set forth in the tentative ruling for calendar no. 3 (8/15/23 at 1:00 p.m.).

(b) Future of this case

If this Court is persuaded to adopt the tentative ruling granting the R/S Motion, the parties should be prepared to address whether this case should be dismissed or converted, or whether this Court should grant some other form of relief.

(2) Dates/procedures. This case was filed on 9/29/22.

- (a) Bar date: 1/13/23 (dkt. 23) (timely served, dkt. 27)
- (b) Procedures Order: dkt. 6 (timely served, dkt. 10)
- (c) Plan/Disclosure Statement: TBD.
- (d) Continued status conference: If this case is not dismissed or converted, 10/3/23 at 1:00 p.m. *Brief* status report due 9/19/23.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ana M Ahmad

Represented By
Thomas B Ure

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 5, 2023

Hearing Room 1545

1:00 PM

2:21-10956 LAX In-Flite Services, LLC

Chapter 11

#1.00 Post-Confirmation Status Conference re: Chapter 11 Case
fr. 02/25/21, 03/02/21, 4/6/21, 4/27/21, 5/11/21,
5/19/21, 5/26/21, 6/15/21, 6/29/21, 7/6/21, 7/20/21,
8/31/21, 9/28/21, 10/26/21, 11/9/21, 12/14/21, 12/21/21,
2/15/22, 3/1/22, 03/29/22 4/12/22, 5/10/22, 5/31/22,
8/9/22, 8/23/22, 10/11/22, 10/25/22, 11/15/22, 2/21/23
5/30/23

Docket 1

Tentative Ruling:

Tentative Ruling for 9/5/23:

Continue as set forth below. Appearances are not required on 9/5/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Deadlines/dates

This case was filed on 2/5/21, and Debtor's plan was confirmed on 8/23/22 (dkt. 302). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 12/19/23 at 1:00 p.m., with no additional post-confirmation status report required, subject to being taken off calendar/mooted if a final decree is issued prior to that time.

Tentative Ruling for 5/30/23:

Continue as set forth below. Appearances are not required on 5/30/23. (If

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Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

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you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Deadlines/dates

This case was filed on 2/5/21, and Debtor's plan was confirmed on 8/23/22 (dkt. 302). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 9/5/23 at 1:00 p.m., with no additional post-confirmation status report required, subject to being taken off calendar/mooted if a final decree is issued prior to that time.

Tentative Ruling for 2/21/23:

Continue as set forth below. Appearances are not required on 2/21/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Deadlines/dates

This case was filed on 2/5/21, and Debtor's plan was confirmed on

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8/23/22 (dkt. 302). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 5/30/23 at 1:00 p.m., with no additional post-confirmation status report required, subject to being taken off calendar/mooted if a final decree is issued prior to that time.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

LAX In-Flite Services, LLC

Represented By
Jeremy H Rothstein
Yi Sun Kim
James R Felton

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se